

OFFICE OF THE ATTORNEY GENERAL



92-00105

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January 13, 1992

Honorable Lisa Shivers
Director, Alabama Bureau of
Tourism and Travel
401 Adams Avenue
P. O. Box 4309
Montgomery, AL 36103-4309

Bureau of Tourism and Travel -
Federal Funds - Grants -
Advertising - Signs

Bureau of Tourism and Travel
may make grants for the purpose
of paying production costs for
in-state advertising billboards.

Dear Ms. Shivers:

This opinion is issued in response to your request for an
opinion from the Attorney General.

QUESTION

May the Bureau of Tourism and Travel
utilize state funds in making grants under
its matching grants program, which funds
will be used to pay for production costs for
advertising billboards erected and displayed
in the State of Alabama?

FACTS, LAW AND ANALYSIS

As we understand it, the Alabama Bureau of Tourism and
Travel conducts a matching grants program each year in which
funds are provided to certain eligible organizations for the

production of brochures, posters, photographs, travel and trade show displays, signs and other projects which are designed to attract out-of-state tourists to the State of Alabama.

Section 41-7-4, Code of Alabama 1975, as last amended, provides:

"The Bureau [of Tourism and Travel] may, with the approval of the governor, expend any funds appropriated to the Bureau for advertising and promotions and for other purposes that support tourism in Alabama; provided, that no part of any appropriation made to the Bureau by the legislature shall be used to purchase any advertising within the State of Alabama; provided further that the Bureau may procure the printing of pamphlets, circulars, maps, leaflets and similar material in the State of Alabama to be circulated by the Bureau for tourists' advertising and promotional purposes."
(Bracketed material added for clarity.)

Most of the matching grant program projects fall within the last proviso of Section 41-7-4.

Under the restrictions of Section 41-7-4, we understand that the Bureau does not purchase advertising within the State of Alabama. It does not purchase billboard or sign advertising space, nor does it purchase radio or television time, nor does it purchase advertising space in local newspapers and publications. Advertisements which appear in such media are donated.

The Bureau does, through the matching grants program and otherwise, purchase advertising billboards outside of the state. The Bureau also pays for the production costs of advertisements placed in national media, such as radio, television and printed periodicals. This is done both directly and through the matching grants program. We see no distinction between that and paying for the production costs associated with billboards.

Your question arises because some organizations may apply for grants for billboards which would be erected within the state. Obviously, the Bureau cannot, through its grant program, purchase advertising space on billboards within the

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state. However, the Bureau may expend funds for advertising and promotions and other purposes that support tourism in Alabama, and the production costs, as distinct from the advertising space, of billboards fall within this provision. Accordingly, it is the opinion of this office that your question should be answered in the affirmative.


CONCLUSION

The Alabama Bureau of Tourism and Travel may make matching grants for the purpose of paying for the production costs of billboards which will be displayed within the State of Alabama.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General
By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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